

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION  
JUNE 13, 2005**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, June 13, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Brian Byrd, Tony Collins, Paul Gilmer, Sr., J.D. Haynes, Peter Kauber, Bill Schneider and Portia Shipman. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

**APPROVAL OF THE MINUTES OF THE MAY 9, 2005 REGULAR MEETING .**

Mr. Byrd moved approval of the minutes of the May 9, 2005 meeting as written, seconded by Mr. Collins. The Commission voted 8-0, unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**APPROVAL OF THE MAY 18, 2005 JOINT PLANNING BOARD AND ZONING COMMISSION MEETING.**

Mr. Schneider moved the minutes, seconded by Mr. Gilmer.

Corrections: Page 8, motion adding condition; on motion of Mr. Collins, seconded by Mr. Schneider, the Zoning Commission voted 8-0 unanimously approving the motion.

Mr. Schneider moved approval of the May 18, 2005 Joint Planning Board and Zoning Commission meeting as amended, seconded by Mr. Gilmer. The Commission voted 8-0 unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**CHANGES IN AGENDA:**

Chair Wolf said Items A and B (West Market Street and Marshall Smith Road) were being continued to the July meeting.

Ms. Shipman moved approval of continuing Item A until the July meeting, seconded by Mr. Kauber. The Commission voted 8-0 unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

Mr. Kauber moved approval of continuing Item B until the July meeting, seconded by Ms. Shipman. The Commission voted 8-0 unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

Chair Wolf said Item D (Hilltop Road and Sellers Avenue) was requested to be withdrawn by letter from the applicant.

Mr. Kauber moved approval of withdrawal of Item D on request of the applicant, seconded by Ms. Shipman. The Commission voted 8-0 unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**PUBLIC HEARINGS:**

**A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES IN THE HB ZONING DISTRICT EXCEPT: NO SEXUALLY ORIENTED BUSINESSES; NO BARS; NO JUNKED MOTOR VEHICLES; NO LANDFILLS; NO MOTORCYCLE SALES. 2) APPLICANT SHALL CONSTRUCT A RESTAURANT BUILDING ON THE PROPERTY WHICH SHALL CONSIST SUBSTANTIALLY OF A BRICK BUILDING AND/OR MASONRY MATERIALS. 3) APPLICANT SHALL INSTALL A VEGETATIVE SCREEN (E.G. LEYLAND CYPRESS TREES) TO PROVIDE AN EVERGREEN BUFFER ALONG THE BOUNDARY LINE OF ANY AGRICULTURAL OR RESIDENTIAL ZONED PROPERTY. 4) ANY RESTAURANT OPERATED ON THE PROPERTY SHALL NOT BE OPEN FOR BUSINESS LATER THAN 11:00 P.M. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF WEST MARKET STREET AND MARSHALL SMITH ROAD – FOR DAVID LEE CARTER, JR. (CONTINUED FROM APRIL 11, 2005 MEETING) (CONTINUED TO JULY)**

**B. AN ORDINANCE REZONING FROM GENERAL BUSINESS TO CENTRAL BUSINESS – FOR THE PROPERTY BOUNDED BY BATTLEGROUND AVENUE, NORTH EUGENE STREET, WEST SMITH STREET AND NORTH EDGEWORTH STREET – FOR BELLEMEADE DEVELOPMENT, LLC. (CONTINUED FROM APRIL 11, 2005 MEETING) (CONTINUED TO JULY)**

These items were withdrawn at the beginning of the meeting.

**D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITION: 1) ANY USE WITH DRIVE-THRU SERVICE SHALL NOT BE PERMITTED - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF HILLTOP ROAD AND SELLERS AVENUE – FOR ABDULLAH ALSHANTEER ET AL. (WITHDRAWN)**

This item was continued at the beginning of the meeting.

**C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND CORPORATE PARK TO CITY ZONING CORPORATE PARK – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF KNOX ROAD NORTH OF INTERSTATE 40/85 – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing. There was no one wishing to speak either in favor of or in opposition to this matter. Therefore, Chair Wolf closed the public hearing.

Mr. Hails said this request conformed with the Generalized Future Land Use Map (GFLUM) that shows Low Density Residential to the north of this area and Mixed Use Corporate Park in the area north of the interstate. Staff felt it conforms to the Comp Plan and recommended approval of the request.

Mr. Kauber moved approval of Item C, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**E. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF SOUTH EUGENE STREET, NORTH OF WEST LEE STREET AT THE TERMINUS OF BAIN STREET – FOR MILTON KERN. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Speaking in support was Milton Kern, 5500 Old Brandt Trace, who said they were hoping to make this the southern anchor of the Central Business District. This rezoning would permit them to have more options as to what they could do with the property.

Chair Wolf reminded the Commission that this was a straight rezoning so all uses permitted in the CB District must be considered.

There was no one present who wished to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said this request clearly conformed to the Comp Plan in numerous regards. It supported reinvestment infill goals, downtown revitalization goals, as well as under-utilized abandoned property and building goals. It also conformed to the GFLUM. Staff strongly supported this request for rezoning.

Mr. Gilmer moved the ordinance, seconded by Mr. Collins. The Commission voted 8-0 unanimously approving the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**F. AN ORDINANCE REZONING FROM RM-26 RESIDENTIAL MULTIFAMILY AND CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN GO-M DISTRICT. 2) EXISTING BUILDINGS SHALL BE RETAINED AND RENOVATED. 3) EACH**

**BUILDING SHALL HAVE AT LEAST ONE RESIDENTIAL DWELLING UNIT - TO  
CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – INFILL WITH THE  
FOLLOWING CONDITIONS: 1) USES: CONDOMINIUMS DESIGNED FOR SALE. 2)  
MAXIMUM HEIGHT OF ANY BUILDING WILL BE THREE (3) STORIES. 3) THERE SHALL  
BE A MAXIMUM OF TWENTY-EIGHT (28) CONDOMINIUM UNITS, CONSISTING OF TWO  
AND THREE STORIES. 4) THE FRONT OF ALL BUILDINGS WILL BE PREDOMINATELY OF  
BRICK VENEER WITH SYNTHETIC WOOD DECORATIVE ACCENTS AND VINYL TRIM.  
THE SIDES OF ALL BUILDINGS WILL BE BRICK VENEER FOR ONE-STORY, WITH  
PREMIUM VINYL SIDING FOR THE REST OF THE SIDE. 5) DUMPSTERS WILL BE  
SCREENED WITH FENCING AND LANDSCAPING. 6) ALL THREE-STORY CONDOMINIUM  
UNITS WILL HAVE GARAGES DESIGNED TO PARK TWO (2) CARS IN EACH GARAGE -  
FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF BELLEMEADE  
STREET BETWEEN CEDAR STREET AND SPRING STREET – FOR KAVANAGH  
ASSOCIATES. (APPROVED)**

Chair Wolf said since one of Mr. Byrd's law partners was presenting this item, it would be necessary for Mr. Byrd to recuse himself from consideration and voting on the item.

Mr. Gilmer moved the recusal of Mr. Byrd on this item, seconded by Mr. Collins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, represented Kavanagh Associates that had a contract to purchase the subject property. He asked to amend and add some zoning conditions to the request, a copy of which had been furnished each Commissioner.

*4) The front of all buildings will be predominantly of brick veneer with synthetic wood decorative accents and vinyl trim. The sides of all buildings will be brick veneer for at least one-story. Material other than vinyl siding, such as hardie board, or a comparable material, will be utilized for any portion of the side not brick veneer.*

*6) All three-story condominium units will have garages designed to park two (2) cars in each garage, or may consist of a finished room and a space to park one car.*

*7) The rear of the buildings, except for the foundation, will be of Hardi board or a comparable material.*

Ms. Shipman moved approval of amending the application to include the amended and new conditions, seconded by Mr. Collins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

Mr. Melvin said the Conditional District - Planned Unit Development Infill request required the approval by the Technical Review Committee (TRC) in advance with a zoning sketch plan actually being filed. They feel this development would be an ideal catalyst for new development in this area.

Mary Ellen Lowry, 1810 Pembroke Road, explained some of the design considerations for the project. They met with approximately 10 neighbors, as well as a few Westerwood residents. The neighbors' comments were mostly favorable, except for the request that no vinyl siding be used. The neighbors had a few concerns that the applicant was researching and some that would be worked out with the City during site plan approval. Parking will be on the interior.

There was no one present wishing to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said this was an important rezoning and project in our downtown area. Like the previous project, it certainly met a number of conforming policies and maps in our Comp Plan. Staff appreciated that the developer did meet with staff early on and staff did their best to provide feedback on some of their schematic plans. They also appreciated that the developer added some conditions narrowing the scope of the design on the project, which were helpful and in keeping with good faith with some of the surrounding property owners and others with whom they had been speaking in public meetings. Planning and Housing and Community Development, at Council's request, were working on a Cedar Street Area Plan at present. Staff was scheduled to report back to Council in the next month or so on their mid-process report. They will be looking at many issues, including compatible infill development, how to preserve and have compatible development with the historic buildings in the area and things to make it a more conducive residential, as well as mixed use environment from a traffic standpoint. They also noted that encouraging residential development was supportive of two different center city development plans that had been received by Council in past years. For all those reasons, the staff recommended support of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Haynes. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

Mr. Kauber commended the applicant for the work that the applicant did with the surrounding neighborhoods.

**G. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN LIMITED OFFICE WITH THE EXCEPTION OF DENTAL AND MEDICAL DOCTOR'S OFFICES. 2) ONE-STORY BRICK VENEER STRUCTURE WITH A MINIMUM 6/12 ROOF PITCH, WHICH SHALL BE OF A RESIDENTIAL APPEARANCE. 3) MAXIMUM OF 4800 HABITABLE SQUARE FEET. 4) ACCESS ONLY FROM BAYLOR STREET. 5) PARKING IN REAR OF STRUCTURE. 6) FREESTANDING SIGNS SHALL BE LANDSCAPED ON PISGAH CHURCH ROAD – MAXIMUM SIZE: 4' X 8'. 7) LANDSCAPED 4 TREES PER 100' FRONT, 34 PLANTS PER 100' ON BAYLOR STREET AND PISGAH CHURCH ROAD. 8) LANDSCAPING ALONG NORTH AND WEST FENCES TO CONSIST OF LEYLAND CYPRESS AND OTHER ORNAMENTAL TREES SPACED AT A MINIMUM OF TEN FEET ON CENTER - TO**  
**CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN LIMITED OFFICE WITH THE EXCEPTION OF DENTAL AND MEDICAL DOCTOR'S OFFICES. 2) TWO-STORY BRICK VENEER STRUCTURE WITH A MINIMUM 6/12 ROOF PITCH, WHICH SHALL BE OF A RESIDENTIAL APPEARANCE. 3) MAXIMUM OF 4800 HABITABLE SQUARE FEET. 4) ACCESS ONLY FROM BAYLOR STREET. 5) PARKING IN REAR OF STRUCTURE. 6)**

**FREESTANDING SIGNS SHALL BE LANDSCAPED ON PISGAH CHURCH ROAD – MAXIMUM SIZE: 4' X 8'. 7) LANDSCAPED 4 TREES PER 100' FRONT, 34 PLANTS PER 100' ON BAYLOR STREET AND PISGAH CHURCH ROAD. 8) LANDSCAPING ALONG NORTH AND WEST FENCES TO CONSIST OF LEYLAND CYPRESS AND OTHER ORNAMENTAL TREES SPACED AT A MINIMUM OF TEN FEET ON CENTER - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF PISGAH CHURCH ROAD AND BAYLOR STREET – FOR DREW BAKER. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report. He pointed out that there was one change in this rezoning application, which was Condition No. 2. It was changed from one-story, which was currently permitted on the property, to a two-story building.

Chair Wolf opened the public hearing.

Drew Baker, 6802 Fegan Road, Summerfield, NC, said the current conditions showed the subject property had a maximum of 4,800 square feet of building that could be used. However, because of the setbacks on this property, the maximum size that you could truly get would be 1,800 square feet. His intention was to use this for his personal use as an insurance agency and would like the structure to be two-stories. There are 30 adjacent properties behind the subject property that are all two-stories.

There was no one else present who wished to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said there were no Comp Plan conformity issues in this case since the land use was not changing. In looking at the context of the site, the fact that it was adjoining two-story family dwellings, as well as some other non-residential structures, staff felt made the change from one to two-story building appropriate. Therefore, staff recommended approval of the request.

Mr. Gilmer moved approval of the ordinance, seconded by Mr. Kauber. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None.)

**H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST AND WEST SIDES OF BLACKBERRY ROAD SOUTH OF OLD RANDLEMAN ROAD AND WOLFETRAIL ROAD – FOR LOVE AND FAITH CHRISTIAN FELLOWSHIP, INC. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

There was no one present to speak either in support of or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, this was a proposed expansion to an existing institution in the area, a place of worship. It was conforming to Mixed-Use Residential designation in the Plan. It was adjacent to several surrounding areas. Staff feels the use would be compatible and in conformance with the Plan. It was on the edge of the Tier 1 area, but would fit in well with the water and sewer extensions of some of the surrounding properties. As such, staff recommended approval of the request.

Mr. Gilmer moved favorable recommendation of this request, seconded by Mr. Haynes.

Mr. Kauber said he felt the Commission deserved an appearance by the applicant so he would be voting against this.

The Commission voted 5-3 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes. Nays: Kauber, Schneider, Shipman.)

**I. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) TOWNHOUSE TYPE UNITS DESIGNED FOR SALE. 2) TOWNHOUSE UNITS WILL BE CONSTRUCTED WITH BRICK EXTERIOR WITH A MAXIMUM OF TWO STORIES. 3) THE PLANTING BUFFER REQUIRED BY CITY ORDINANCES SHALL INCLUDE BUT NOT BE LIMITED TO CANOPY TREES OF LEYLAND CYPRESS OR EQUIVALENT EVERGREEN OF 8’ TO 10’ IN HEIGHT, PLANTED EIGHT FOOT ON CENTER IN A LINE. THIS CONDITION SHALL BE LIMITED TO THE WEST AND SOUTH PROPERTY LINE ADJACENT TO CD-PDM ZONING DESIGNATION - FOR A PORTION OF THE PROPERTY LOCATED WEST OF BASS CHAPEL ROAD, EAST OF BLUE HERON DRIVE AND NORTH OF REGENTS PARK LANE – FOR D STONE BUILDERS, INC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Randy Dixon, 1205 West Bessemer Avenue, Suite 218, said he represented the owners of the property. This request, as stated by Mr. Ruska, was the second part of a rezoning previously approved by this Commission and City Council. The conditions were the same as agreed upon with the Lake Jeanette and Southern Shores neighbors in January 2004. Individual letters were sent to the 28 surrounding property owners approximately 30 days ago outlining their request. He had received no questions or comments.

There was no one present who wished to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said this request was compatible with Low Residential designation in the Comp Plan GFLUM. In addition, it was compatible with several surrounding properties. Staff felt the conditions attached to this development and the prior development aid in compatibility with the site. As such, staff recommended approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: Wolf.)

- J. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY AND CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE “SC” ZONING DISTRICT EXCEPT SEXUALLY ORIENTED BUSINESSES, AS DEFINED IN THE ORDINANCES OF THE CITY OF GREENSBORO, HOTELS, LUMBER SUPPLY STORES, AUTO REPAIR/SERVICE STORES, AND WHOLESALE CLUBS. USE WILL BE PREDOMINATELY COMMERCIAL WITH COMPLEMENTARY USES SUCH AS OFFICE, RESIDENTIAL AND SERVICE. 2) NO MORE THAN ONE (1) ACCESS POINT ON NEW GARDEN ROAD AT A LOCATION APPROVED BY THE GREENSBORO DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. 3) A MAXIMUM OF 400,000 SQUARE FEET OF BUILDINGS, PROVIDED THIS PROPERTY AND THE ADJACENT CD-GO-M ZONED PROPERTY TO THE SOUTHWEST SHALL NOT CONTAIN A COMBINED TOTAL OF MORE THAN 800,000 SQUARE FEET OF BUILDINGS. PARKING DECKS SHALL NOT BE CONSIDERED TO BE A BUILDING FOR THE PURPOSE OF THIS PROVISION. 4) A MAXIMUM BUILDING HEIGHT OF 60 FEET. 5) A 30-FOOT LANDSCAPED BUFFER SHALL BE PROVIDED ALONG THE ENTIRE FRONTAGE OF THIS ZONING DISTRICT ALONG NEW GARDEN ROAD AND EXTENDING TO THE NORTHERNMOST PROPERTY LINE OF CROSS OF CHRIST LUTHERAN CHURCH. 6) NO BUILDING WILL BE CONSTRUCTED WITHIN 50 FEET OF THE SOUTHERN RIGHT-OF-WAY OF NEW GARDEN ROAD. 7) THE MAXIMUM HEIGHT OF ANY PARKING DECK SHALL BE 50 FEET. 8) FROM A DISTANCE OF 300 FEET FROM THE EASTERLY MARGIN OF NEW GARDEN ROAD, RESTAURANTS WITH DRIVE-THROUGHS WILL NOT BE PERMITTED. 9) THERE SHALL BE NO SINGLE USE OVER 80,000 SQUARE FEET EXCEPT FOR A DEPARTMENT STORE, FURNITURE STORE, OR THEATER. ANY DEPARTMENT STORE, FURNITURE STORE, OR THEATER USE SHALL NOT HAVE A BUILDING FOOTPRINT IN EXCESS OF 112,000 SQUARE FEET. 10) THERE SHALL BE NO GROCERY STORE CONTAINING OVER 30,000 SQUARE FEET OF GROSS FLOOR AREA. 11) ALL EXTERIOR LIGHTING FIXTURES IN PARKING AREAS AND DRIVEWAYS SHALL UTILIZE CUTOFF SHIELDS OR OTHER APPROPRIATE MEASURES TO CONCEAL THE LIGHT SOURCE FROM ADJOINING PROPERTIES AND RIGHT-OF-WAYS. LIGHTS SHALL BE DESIGNED TO AVOID SPILLOVER GLARE BEYOND THE BOUNDARIES OF THE PROPERTY. 12) WHERE BUILDINGS IN THE ZONING DISTRICT ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY, THE FOLLOWING METHODS SHALL BE USED TO MINIMIZE THE IMPACT TO THE VIEWSCAPE FROM THE LAKE AND THE PROPERTY OF THE AMERICAN HEBREW ACADEMY: (a) IN AREAS WHERE THE SIDES AND REAR OF BUILDINGS ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY, THE SAME UPSCALE ARCHITECTURE AND BUILDING MATERIALS WILL BE UTILIZED TO CREATE VISUAL INTEREST ON ALL SIDES OF THE



BUILDING. (b) FULL-HEIGHT PARAPET WALLS, NOT TO EXCEED THE MAXIMUM BUILDING HEIGHT SPECIFIED IN CONDITION NO. 4, SHALL BE USED TO FULLY SCREEN ROOFTOP EQUIPMENT FROM VIEW FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. (c) LOADING DOCKS, UTILITY METERS, HVAC EQUIPMENT, TRASH COLLECTION AND OTHER SERVICE FUNCTIONS SHALL BE INCORPORATED INTO THE OVERALL DESIGN OF THE BUILDINGS AND LANDSCAPING AND SHALL BE SCREENED FROM VIEW USING SCREEN WALLS AND/OR FENCING OF THE SAME KIND AND QUALITY OF ARCHITECTURAL DESIGN AND BUILDING MATERIALS AS THAT EMPLOYED IN THE OVERALL BUILDING DESIGN. (d) ENCLOSED TRUCK LOADING GARAGES SHALL BE USED IF A LOADING BAY IS VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. (e) ADDITIONAL LANDSCAPING SHALL BE PLACED AS APPROPRIATE IN AREAS WHERE THE SIDES AND REAR OF BUILDINGS ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY AND HAVE BEEN SCREENED AND TREATED WITH THE CONSIDERATIONS IN 12A TO 12D ABOVE TO COMPLEMENT SAID TREATMENTS. 13) THE PLAYING OF OUTDOOR MUSIC SHALL BE PROHIBITED AFTER 10 PM. 14) EXPOSED TUBE NEON, BACKLIT SIGNS AND MOVING OR FLASHING LIGHTS SHALL NOT BE PERMITTED WHERE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. ATTACHED SIGNAGE FACING AND ADJACENT TO THE LAKE FRONT SHALL BE LIMITED TO IDENTIFICATION SIGNS THAT ARE LIT BY NO MORE THAN BUILDING MOUNTED LIGHTING EMPLOYING SHIELDED OR DIRECTED FIXTURES THAT DO NOT PROJECT ABOVE THE FASCIA OR ROOF LINE AND SHALL NOT BE ILLUMINATED AFTER 11 PM. 15) OTHER THAN SNOW AND ICE REMOVAL OR OTHER WEATHER OR EMERGENCY-RELATED SERVICES, NO OUTSIDE CLEANING, LANDSCAPE MAINTENANCE OR DUMPSTER SERVICE SHALL OCCUR AFTER 11 PM OR BEFORE 7 AM. 16) RETAIL GROCERY OR DRUG STORES MAY OPERATE WITHIN THE ZONING DISTRICT UP TO 24 HOURS A DAY. ANY THEATRE USE SHALL BE LIMITED TO THE HOURS OF 9 AM TO 2 AM. ALL OTHER RETAIL USES WITHIN THE ZONING DISTRICT SHALL BE LIMITED TO THE HOURS OF 6 AM TO 12 MIDNIGHT. 17) RESTAURANTS AND OTHER RETAIL USES GENERATING COOKING OR OTHER ODORS SHALL VENT OR EXHAUST THE SAME TO THE ROOFTOP. - TO

CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE “SC” ZONING DISTRICT EXCEPT SEXUALLY ORIENTED BUSINESSES, AS DEFINED IN THE ORDINANCES OF THE CITY OF GREENSBORO, HOTELS, LUMBER SUPPLY STORES, AUTO REPAIR/SERVICE STORES, AND WHOLESALE CLUBS. USE WILL BE PREDOMINATELY COMMERCIAL WITH COMPLEMENTARY USES SUCH AS OFFICE, RESIDENTIAL AND SERVICE. 2) NO MORE THAN ONE (1) ACCESS POINT ON NEW GARDEN ROAD AT A LOCATION APPROVED BY THE GREENSBORO DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. 3) A MAXIMUM OF 400,000 SQUARE FEET OF BUILDINGS, PROVIDED THIS PROPERTY AND THE ADJACENT CD-GO-M ZONED PROPERTY TO THE SOUTHWEST SHALL NOT CONTAIN A COMBINED TOTAL OF MORE THAN 800,000 SQUARE FEET OF BUILDINGS. PARKING DECKS SHALL NOT BE CONSIDERED TO BE A BUILDING FOR THE PURPOSE OF THIS PROVISION. 4) A MAXIMUM BUILDING HEIGHT OF 60 FEET. 5) A 30-FOOT LANDSCAPED BUFFER SHALL BE PROVIDED ALONG THE ENTIRE FRONTAGE OF THIS ZONING DISTRICT ALONG NEW GARDEN ROAD AND EXTENDING TO THE NORTHERNMOST PROPERTY LINE OF CROSS OF CHRIST LUTHERAN CHURCH. 6) NO BUILDING WILL BE CONSTRUCTED WITHIN 50 FEET OF THE SOUTHERN RIGHT-OF-WAY OF NEW GARDEN ROAD. 7) THE MAXIMUM HEIGHT OF ANY PARKING DECK SHALL BE 50 FEET. 8) FROM A DISTANCE OF 300 FEET FROM THE EASTERLY MARGIN OF NEW GARDEN ROAD, RESTAURANTS

WITH DRIVE-THROUGHS WILL NOT BE PERMITTED. 9) THERE SHALL BE NO SINGLE USE OVER 80,000 SQUARE FEET EXCEPT FOR A DEPARTMENT STORE, FURNITURE STORE, OR THEATER. ANY DEPARTMENT STORE, FURNITURE STORE, OR THEATER USE SHALL NOT HAVE A BUILDING FOOTPRINT IN EXCESS OF 125,900 SQUARE FEET. 10) THERE SHALL BE NO GROCERY STORE CONTAINING OVER 30,000 SQUARE FEET OF GROSS FLOOR AREA. 11) ALL EXTERIOR LIGHTING FIXTURES IN PARKING AREAS AND DRIVEWAYS SHALL UTILIZE CUTOFF SHIELDS OR OTHER APPROPRIATE MEASURES TO CONCEAL THE LIGHT SOURCE FROM ADJOINING PROPERTIES AND RIGHT-OF-WAYS. LIGHTS SHALL BE DESIGNED TO AVOID SPILLOVER GLARE BEYOND THE BOUNDARIES OF THE PROPERTY. 12) WHERE BUILDINGS IN THE ZONING DISTRICT ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY, THE FOLLOWING METHODS SHALL BE USED TO MINIMIZE THE IMPACT TO THE VIEWSCAPE FROM THE LAKE AND THE PROPERTY OF THE AMERICAN HEBREW ACADEMY: (a) IN AREAS WHERE THE SIDES AND REAR OF BUILDINGS ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY, THE SAME UPSCALE ARCHITECTURE AND BUILDING MATERIALS WILL BE UTILIZED TO CREATE VISUAL INTEREST ON ALL SIDES OF THE BUILDING. (b) FULL-HEIGHT PARAPET WALLS, NOT TO EXCEED THE MAXIMUM BUILDING HEIGHT SPECIFIED IN CONDITION NO. 4, SHALL BE USED TO FULLY SCREEN ROOFTOP EQUIPMENT FROM VIEW FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. (c) LOADING DOCKS, UTILITY METERS, HVAC EQUIPMENT, TRASH COLLECTION AND OTHER SERVICE FUNCTIONS SHALL BE INCORPORATED INTO THE OVERALL DESIGN OF THE BUILDINGS AND LANDSCAPING AND SHALL BE SCREENED FROM VIEW USING SCREEN WALLS AND/OR FENCING OF THE SAME KIND AND QUALITY OF ARCHITECTURAL DESIGN AND BUILDING MATERIALS AS THAT EMPLOYED IN THE OVERALL BUILDING DESIGN. (d) ENCLOSED TRUCK LOADING GARAGES SHALL BE USED IF A LOADING BAY IS VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. (e) ADDITIONAL LANDSCAPING SHALL BE PLACED AS APPROPRIATE IN AREAS WHERE THE SIDES AND REAR OF BUILDINGS ARE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY AND HAVE BEEN SCREENED AND TREATED WITH THE CONSIDERATIONS IN 12A TO 12D ABOVE TO COMPLEMENT SAID TREATMENTS. 13) THE PLAYING OF OUTDOOR MUSIC SHALL BE PROHIBITED AFTER 10 PM. 14) EXPOSED TUBE NEON, BACKLIT SIGNS AND MOVING OR FLASHING LIGHTS SHALL NOT BE PERMITTED WHERE VISIBLE FROM THE PROPERTY OF THE AMERICAN HEBREW ACADEMY. ATTACHED SIGNAGE FACING AND ADJACENT TO THE LAKE FRONT SHALL BE LIMITED TO IDENTIFICATION SIGNS THAT ARE LIT BY NO MORE THAN BUILDING MOUNTED LIGHTING EMPLOYING SHIELDED OR DIRECTED FIXTURES THAT DO NOT PROJECT ABOVE THE FASCIA OR ROOF LINE AND SHALL NOT BE ILLUMINATED AFTER 11 PM. 15) OTHER THAN SNOW AND ICE REMOVAL OR OTHER WEATHER OR EMERGENCY-RELATED SERVICES, NO OUTSIDE CLEANING, LANDSCAPE MAINTENANCE OR DUMPSTER SERVICE SHALL OCCUR AFTER 11 PM OR BEFORE 7 AM. 16) RETAIL GROCERY OR DRUG STORES MAY OPERATE WITHIN THE ZONING DISTRICT UP TO 24 HOURS A DAY. ANY THEATRE USE SHALL BE LIMITED TO THE HOURS OF 9 AM TO 2 AM. ALL OTHER RETAIL USES WITHIN THE ZONING DISTRICT SHALL BE LIMITED TO THE HOURS OF 6 AM TO 12 MIDNIGHT. 17) RESTAURANTS AND OTHER RETAIL USES GENERATING COOKING OR OTHER ODORS SHALL VENT OR EXHAUST THE SAME TO THE ROOFTOP. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF NEW GARDEN ROAD SOUTH OF JOSEPH M. BRYAN BOULEVARD – FOR ZP NO. 158, LLC. (APPROVED)

**K. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – SHOPPING CENTER TO CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITION: 1) THE PROPERTY WILL BE DEVELOPED IN CONJUNCTION WITH AND SUBJECT TO THE SAME ZONING CONDITIONS AS CONTAINED IN CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY #2812. - FOR A PORTION OF THE PROPERTY LOCATED EAST OF NEW GARDEN ROAD BETWEEN JOSEPH M. BRYAN BOULEVARD AND HOBBS ROAD – FOR HIGHWOODS REALTY LIMITED PARTNERSHIP. (APPROVED)**

Chair Wolf said Mr. Byrd had requested recusal from discussion or voting on these requests since one of his law partners represented the applicants.

Mr. Kauber moved approval of Mr. Byrd's recusal from discussion or voting on these requests, seconded by Ms. Shipman. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject properties, as well as surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, represented the applicants in both of these requests. Mr. Ogden touched base with all the parties who had been interested in this and told them what the applicants were planning to do today.

Michael Ogden, Zimmer Development Company, Wilmington, NC, said they were finally able to get all the pieces of property to fall in place and they were now ready to develop specific plans for these properties. For illustrative purposes, he listed some of the enhancements to the property, as well as activities they hoped to have conducted there. Many of the conditions came from the neighbors.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, this was not a significant change in the actual land uses. The GFLUM showed Mixed Use Commercial, with which both of the zones involved were compatible. It was a modification on the current limitations on the building footprint. Staff felt the conditions continued to be compatible with the surrounding area. Staff recommended approval of both requests.

Mr. Gilmer moved the ordinance as to Item J, seconded by Ms. Shipman. The Commission voted 7-0-1 in favor of the motion (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

Mr. Gilmer moved the ordinance as to Item K, seconded by Mr. Schneider. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman. Nays: None. Abstain: Byrd.)

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Hails reminded the Commission that at the July 11, 2005 meeting there would be one joint hearing case.

Mr. Ruska said for the regular meeting of the Commission on July 11, there would be the two cases continued today and three new cases.

Mr. Hails said he mentioned to Chair Wolf before the meeting that staff might want to be talking with the Commissioners in the next couple of months about a possible work session down the road. His experience was that it was good for Commissions to periodically get a briefing on some of the State Statutes that backstop their work, as well as some current topics such as lawsuits, etc. Mr. Byrd would be stepping down so they might want to wait until there was a replacement for him in the fall.

Mr. Byrd said he would be moving outside the City Limits so his last meeting would be in September.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Mr. Gilmer and Mr. Kauber asked Mr. Hails if he had discussed the proposed trip to Charlotte?

Mr. Hails said staff would be delighted to talk about that. They had a successful group from Winston-Salem and Greensboro, mostly homebuilders, that filled a bus to Charlotte about two months ago. It was very well received. It was interesting to see a lot of higher density mixed use projects in our own backyard. If the Commission had an interest in that, staff would be glad to follow through and arrange something.

Mr. Gilmer said he went on the previous trip and definitely had some interest in the Zoning Commission going down to see the development that was going on.

Mr. Kauber said he was in favor of doing it.

**ACKNOWLEDGMENT OF ABSENCES:**

The absence of Commissioner Spangler was acknowledged.

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There being no further business before the Commission, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/ts.ps